

## 8. Preparing The Initial Service Plan

### 8.1 Introduction

The goal of case management in foster care is to provide services that will lead to the child's placement in a permanent situation. The service plan is the document that describes needs of the child and family, and identifies the services that will be provided to meet these needs so that the goal can be achieved. THERE MUST BE A SERVICE PLAN FOR EVERY CHILD IN FOSTER CARE. FEDERAL AND STATE LAW REQUIRE THAT THE SAFETY OF THE CHILD MUST BE THE PARAMOUNT CONCERN IN SERVICE PLANNING (§16.1-281).

Because of the shortened time frames, mandated by both federal and state law, it is important that workers convey to parents the urgency in working with the agency in developing and following through on the requirements of the service plan. Parents will need to be informed of the limited amount of time they have to improve the situation that brought their child into care. Parents must also be fully informed of any concurrent permanency plan developed for their child(ren) including the purpose of concurrent permanency planning, the alternate goal developed, and the time frames involved (see 9.1.6)

ANY APPROPRIATE SERVICE MUST BE MADE AVAILABLE TO A FOSTER CHILD WHEN THAT SERVICE IS DOCUMENTED AS NEEDED IN THE CHILD'S FOSTER CARE SERVICE PLAN OR INDIVIDUAL FAMILY SERVICE PLAN (IFSP). Rehabilitative, restorative and supportive services shall also be provided as needed to parent(s)/prior custodians and foster parents on behalf of the child. Services to be provided include, but are not limited to, day care, specialized and therapeutic foster care, respite care, transportation for the parent(s)/prior custodian, educational, social recreational activities, counseling, medical, and in-home services.

### 8.2 The Family Assessment And Planning Team

When a child in foster care placement is also being staffed by the Family Assessment and Planning Team (FAPT), every effort should be made to integrate the process of developing the Foster Care Service Plan, the Individual Family Service Plan (IFSP), and the Individualized Education Plan (IEP), when appropriate, to streamline the planning process and ensure that all plans are consistent. When the FAPT staffs a foster care case, the service worker should incorporate FAPT recommendations into the Foster Care Service Plan or Foster Care Service Plan Review.

Local workers need to attempt to have the FAPT staff cases and approve services prior to court hearings.

### **8.3 Foster Care Service Plan Format Requirements**

AGENCIES MAY USE THE FOLLOWING:

- THE FOSTER CARE SERVICE PLAN OR
- THE INDIVIDUAL FAMILY SERVICE PLAN (IFSP) DEVELOPED BY THE FAMILY ASSESSMENT AND PLANNING TEAM OR A SERVICE PLAN DEVELOPED BY THE AGENCY IF THE PLAN MEETS THE REQUIREMENTS OF THE FOSTER CARE SERVICE PLAN LISTED IN THE FOLLOWING SECTIONS AND IS ACCEPTED BY THE COURT AS A SUBSTITUTE. (§16.1-281)

### **8.4 What Must Be Included In Preparing The Service Plan**

THE *CODE OF VIRGINIA* (§16.1-281) AND FEDERAL LAW DESCRIBE THE REQUIREMENTS FOR THE FOSTER CARE SERVICE PLAN.

#### **8.4.1 THE PLAN MUST INCLUDE:**

- The reasons the child came into care and why placement is needed
- THE SERVICES OFFERED TO PREVENT REMOVAL OF THE CHILD FROM THE HOME OF THE BIRTH PARENTS/PRIOR CUSTODIANS
- THE CHILD'S SITUATION AT THE TIME OF PLACEMENT IN RELATION TO THE CHILD'S FAMILY. INFORMATION REGARDING THE CHILD'S HEALTH AND EDUCATIONAL STATUS MUST ALSO BE INCLUDED
- THE NATURE OF THE PLACEMENT OR PLACEMENTS THAT WILL BE PROVIDED THE CHILD. THIS MUST INCLUDE A DESCRIPTION OF THE TYPE OF HOME OR FACILITY IN WHICH THE CHILD IS TO BE PLACED
- A DISCUSSION OF THE APPROPRIATENESS OF THE PLACEMENT, WHICH SHOULD INCLUDE THE EFFORTS MADE TO PLACE THE CHILD IN THE LEAST RESTRICTIVE (MOST FAMILY LIKE) SETTING AVAILABLE THAT CAN MEET ANY SPECIAL NEEDS OF THE CHILD, AND THE EFFORTS MADE TO PLACE THE CHILD IN CLOSE PROXIMITY TO THE PARENT'S HOME
- A DISCUSSION OF HOW ANY COURT ORDERS IN RESPECT TO THIS CHILD WERE CARRIED OUT
- THE NEEDS, WHICH MUST BE MET TO ACHIEVE THE GOAL FOR THE CHILD. NEEDS SHOULD BE IDENTIFIED FOR THE CHILD, THE BIRTH PARENTS/PRIOR CUSTODIANS, AND FOSTER PARENTS. THE NEEDS SHOULD INCLUDE A PLAN FOR VISITATION BETWEEN THE CHILD AND

PARENTS/PRIOR CUSTODIANS. If siblings are separated, a plan for visitation with siblings should also be included

- The permanency goal selected for the child and family including the rationale as to why this goal is selected.
- If a concurrent permanency plan is developed, the service plan must identify the alternate goal selected for the child and the needs and services related to achieving the alternate goal.
- THE PROGRAM, CARE, SERVICES AND SUPPORT WHICH WILL BE OFFERED AND A DISCUSSION OF HOW THESE SERVICES WILL MEET THE SPECIFIC NEEDS OF THE CHILD, PARENTS/PRIOR CUSTODIAN, AND FOSTER PARENTS. FOR TEENS 16 OR OVER, THE SPECIFIC INDEPENDENT LIVING SERVICES TO MEET THE NEEDS OF THE YOUTH TO ASSIST THE YOUTH, FAMILY AND FOSTER FAMILY OR CARE PROVIDER IN THE YOUTH'S TRANSITION TO INDEPENDENCE
- TARGET DATES FOR COMPLETION OF THE SERVICES PROVIDED TO THE CHILD, THE PARENTS/PRIOR CUSTODIANS, AND FOSTER PARENTS
- RESPONSIBILITIES, INCLUDING CONDUCT AND SUPPORT, WHICH WILL BE SOUGHT FROM THE PARENTS OR PRIOR CUSTODIANS, WHICH SHOULD INCLUDE TARGET DATES FOR COMPLETION
- RESPONSIBILITIES ASSIGNED TO THE CHILD, THE FOSTER PARENTS, ADOPTIVE PARENTS, OR OTHER FOSTER CARE PROVIDER WITH TARGET DATES FOR COMPLETION
- THE PROJECTED DATE FOR GOAL ACHIEVEMENT
- AN INDICATION OF WHETHER THE CHILD, PARENTS OR PRIOR CUSTODIANS, OR FOSTER PARENTS WERE INVOLVED IN THE PLANNING PROCESS. IF THE PARENTS/PRIOR CUSTODIANS WERE NOT INVOLVED, THE REASON MUST BE EXPLAINED

The items above are covered in Part A of the Foster Care Service Plan

8.4.2 A SEPARATE SECTION OF THE FOSTER CARE SERVICE PLAN OR THE IFSP MUST BE COMPLETED WHEN THE CHILD CANNOT BE RETURNED TO PARENTS OR PRIOR CUSTODIANS. THIS IS PART B OF THE FOSTER CARE SERVICE PLAN FORM. DEPENDING ON THE GOAL FOR THE CHILD, IT MUST:

- INCLUDE A FULL DESCRIPTION OF THE REASONS THE CHILD CANNOT RETURN HOME
- DESCRIBE THE OPPORTUNITIES FOR PLACEMENT WITH RELATIVES WITH THE INTENT TO TRANSFER CUSTODY TO THEM

- INCLUDE A PLAN TO LEAD TO TERMINATION OF PARENTAL RIGHTS WITHIN THE TIME FRAMES SPECIFIED IN THE ADOPTIVE PLACEMENT PLAN (See Section 10.1.6)
- SPECIFY WHY EACH GOAL OF A HIGHER PRIORITY CANNOT BE ACHIEVED
- EXPLAIN WHY where appropriate, PERMANENT FOSTER CARE, INDEPENDENT LIVING, OR CONTINUED FOSTER CARE IS THE PLAN FOR THE CHILD

#### **8.4.3 PART C: CONFIDENTIAL INFORMATION PROVIDED TO THE COURT ONLY**

If there is a need to share confidential information with the court only, including detailed CPS information, Part C of the Foster Care Service Plan or a separate part of the service plan can be used to provide this information to the court.

### **8.5 Who Must Be Involved In Preparing The Service Plan**

- 8.5.1 THE WORKER responsible for case management (local department or other public or private agency) MUST INVOLVE THE PARENTS OR PRIOR CUSTODIANS, FOSTER PARENTS, RESIDENTIAL CARE PROVIDERS, AND, AS APPROPRIATE, THE CHILD IN SERVICE PLANNING. Local agencies must involve all relevant agencies and individuals in service planning. PARENTAL CONSULTATION IN DEVELOPING THE SERVICE PLAN IS ESSENTIAL EXCEPT WHEN PARENTAL RIGHTS HAVE BEEN TERMINATED OR THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR OTHER DESIGNATED AGENCY HAS MADE DILIGENT EFFORTS TO LOCATE THE PARENT(S) AND SUCH PARENT(S) CANNOT BE LOCATED (§16.1-281).

Parents should be actively included in:

- Identifying their child's and family's strengths;
- Identifying their child's and family's service needs and considerations for how they think those needs could best be met; and
- Identifying areas where their child and family have made progress or not, regarding the service plan goals and objectives.

- 8.5.2 THE SERVICE WORKER MAY REFER A FOSTER CARE CASE FOR STAFFING AND DEVELOPMENT OF AN INDIVIDUAL FAMILY SERVICE PLAN (IFSP) TO THE FAMILY ASSESSMENT AND PLANNING TEAM (FAPT). The service worker's decision to refer a case to the FAPT will be guided by local Community Policy and Management Team (CPMT) procedures for referral.

### **8.5.3 FAPT Team Compliance with Foster Care Requirements**

When the FAPT is involved in service planning, and a team member other than the local agency service worker is designated case manager, the team and the case manager are responsible for ensuring compliance with federal and state service plan and review requirements. The local agency service worker is expected to provide assistance, as necessary, to the team and case manager in meeting the compliance obligations. When there is a concurrent permanency goal for a child and family, the local agency service worker must ensure that the concurrent goal and related service needs are documented in the service plan and that everyone involved in the case is aware of the purpose of the concurrent permanency plan.

## **8.6 Completion Of The Foster Care Service Plan**

A FULL SERVICE PLAN ON ALL CHILDREN MUST BE COMPLETED AND FILED IN THE CASE RECORD WITHIN:

- SIXTY DAYS OF CUSTODY/PLACEMENT (WHICHEVER COMES FIRST) OF A CHILD THROUGH COURT COMMITMENT, NON-CUSTODIAL FOSTER CARE AGREEMENT, OR A PERMANENT ENTRUSTMENT AGREEMENT; OR
- WITHIN 30 DAYS OF SIGNING OF A TEMPORARY ENTRUSTMENT FOR A PLACEMENT OF 90 DAYS OR MORE; THE PLAN IS THE BASIS FOR REQUESTING COURT APPROVAL OF THE ENTRUSTMENT.

## **8.7 Submission Of The Foster Care Service Plan To The Court**

THE COMPLETED SERVICE PLAN MUST BE SUBMITTED TO COURT WITHIN 60 DAYS OF CUSTODY OR PLACEMENT, UNLESS THE CHILD:

- IS LIVING IN HIS/HER OWN HOME
- IS IN AN ADOPTIVE PLACEMENT
- HAS HAD A PLAN PREVIOUSLY FILED WITH THE COURT AS A RESULT OF THE AGENCY'S SEEKING COURT APPROVAL OF A TEMPORARY ENTRUSTMENT OR NON-CUSTODIAL FOSTER CARE PLACEMENT

THE JUDGE MAY EXTEND THE TIME FOR SUBMITTING THE SERVICE PLAN TO THE COURT AN ADDITIONAL 60 DAYS. THE AGENCY MUST STILL HAVE A COMPLETED SERVICE PLAN IN THE RECORD WITHIN THE FIRST 60 DAYS OF PLACEMENT TO COMPLY WITH FEDERAL REGULATIONS.

FOR A TEMPORARY ENTRUSTMENT OF 90 DAYS OR MORE, THE PLAN MUST BE SUBMITTED TO THE COURT WITHIN 30 DAYS OF SIGNING THE AGREEMENT.

### **8.8 Distribution Of The Foster Care Services Plan**

THE WORKER SUBMITS THE FOSTER CARE SERVICE PLAN TRANSMITTAL WITH THE NAMES AND ADDRESSES OF THE FOLLOWING INDIVIDUALS ALONG WITH A COPY OF THE ENTIRE FOSTER CARE SERVICE PLAN TO THE COURT. THE COURT IS RESPONSIBLE FOR FORWARDING THE SERVICE PLAN TO:

- THE ATTORNEY (GAL) FOR THE CHILD;
- THE CHILD'S PARENT(S) OR ANY OTHER PERSON STANDING IN LOCO PARENTIS, UNLESS THEY HAVE BEEN PERMANENTLY RELIEVED OF THE CARE AND CUSTODY OF THE CHILD; AND
- OTHER PERSONS THE COURT DEEMS APPROPRIATE, SUCH AS THE COURT APPOINTED SPECIAL ADVOCATE.
- A COPY OF THE PLAN, EXCLUDING THE SECTION DESCRIBING WHY A CHILD CANNOT BE RETURNED HOME (PART B OF THE FOSTER-CARE SERVICE PLAN) IS SENT BY THE COURT TO THE FOSTER PARENTS. WHEN A PLACEMENT CHANGES, THE AGENCY MUST SEND A COPY TO THE NEW PLACEMENT PROVIDER.

### **8.9 Dispositional Hearing To Review The Foster Care Service Plan**

THE COURT WILL REVIEW AND APPROVE THE PLAN AT THE DISPOSITIONAL HEARING OCCURRING WITHIN 75 DAYS OF THE PRELIMINARY REMOVAL HEARING OR A HEARING THAT BROUGHT THE CHILD INTO CARE, OR WHEN THERE HAS NOT BEEN A PREVIOUS COURT HEARING, WITHIN 75 DAYS OF WHEN THE CHILD ENTERED FOSTER CARE. IF A CHILD IS ENTRUSTED, THE COURT WILL APPROVE THE PLAN AT THE HEARING WHEN THE ENTRUSTMENT AGREEMENT IS APPROVED.

THE COURT AND AGENCY MUST MAKE REASONABLE EFFORTS TO ENSURE THAT PARENTS RECEIVE NOTICE OF THE DISPOSITIONAL HEARING. AT THIS HEARING, THE FOSTER CARE REVIEW HEARING DATE IS SET TO OCCUR WITHIN SIX MONTHS AND APPROPRIATE INDIVIDUALS ARE PROVIDED NOTICE TO ATTEND THE NEXT HEARING.

Because of the requirement to hold a permanency planning hearing 14 months after placement, parents should be informed no later than the dispositional hearing of:

- what the agency expects of them;
- the importance of assisting in developing and cooperating with the service plan requirements;

- the existence of a concurrent permanency plan goal and rationale for such a goal should the child not be able to return home; and
- the length of time they have to make changes necessary for the return of their children.

#### **8.10 When A New Service Plan Is Required**

AFTER THE INITIAL SERVICE PLAN IS DEVELOPED, A NEW PLAN IS REQUIRED:

- AS A RESULT OF A CHANGE IN GOAL (THIS PLAN MUST BE SUBMITTED TO THE COURT)
- FOR THE PERMANENCY PLANNING HEARING
- WHEN A CHILD RETURNS FROM A COMMITMENT TO THE DEPARTMENT OF JUVENILE JUSTICE.

#### **8.11 When A Child Returns To Foster Care**

WHEN A CHILD'S LEGAL CUSTODY HAS BEEN RETURNED FROM THE AGENCY TO HIS/HER PARENTS OR PRIOR CUSTODIANS AND THE CHILD RETURNS TO AGENCY CUSTODY AND INTO A FOSTER CARE PLACEMENT, IT WILL BE CONSIDERED A NEW PLACEMENT. A NEW SERVICE PLAN MUST BE COMPLETED AND ALL REQUIREMENTS FOR FOSTER CARE SERVICE PLANS MET.

WHEN A CHILD RETURNS HOME TO HIS/HER PARENTS OR PRIOR CUSTODIANS, REMAINS IN THE CUSTODY OF THE LOCAL AGENCY AND THEN RETURNS TO FOSTER CARE PLACEMENT, IT WILL BE CONSIDERED A NEW PLACEMENT IF THE CHILD WAS HOME FOR SIX MONTHS OR LONGER. A NEW FOSTER CARE SERVICE PLAN MUST BE COMPLETED AND SCHEDULING COURT HEARING AND ADMINISTRATIVE REVIEWS START FROM THE NEW PLACEMENT DATE.

IF THE CHILD WAS HOME FOR LESS THAN 6 MONTHS AND RETURNS TO AN OUT-OF-HOME PLACEMENT, HE/SHE WILL BE CONSIDERED TO BE IN THE ORIGINAL PLACEMENT AND ALL SCHEDULING FOR SERVICE PLAN, ADMINISTRATIVE PANEL REVIEWS AND HEARINGS WILL CONTINUE FROM THE ORIGINAL PLACEMENT DATE.